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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/731,415	12/06/2000	William B. Werner	TI-27136	8758
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TEXAS INSTRUMENTS INCORPORATED P O BOX 655474, M/S 3999 DALLAS, TX 75265			USTARIS, JOSEPH G	
			ART UNIT	PAPER NUMBER
			2623	

DATE MAILED: 08/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/731,415

Applicant(s)

WERNER, WILLIAM B.

Examiner

Joseph G. Ustaris

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4, 6-13 and 15-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-13 and 15-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is in response to the amendment dated 12 May 2006 in application 09/731,415. Claims 1-4, 6-13, and 15-19 are pending. Claims 1, 8, 15 are amended.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 6-13, and 15-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rabowsky (US006141530A) in view of Mercks et al. (US006384893B1).

Regarding claim 1, Rabowsky discloses a system and method for digital electronic cinema delivery that is used for "scheduling and controlling presentation of data" (See Fig. 1 and Fig. 2; column 2 lines 25-47). The system includes multiple storage devices or "data library" (See Fig. 1 element 22 and Fig. 2 element 62) that stores cinema files or "plurality of features" (See column 10 lines 10-34) and inherently trailers and advertisements or "promotional data" (See column 12 lines 15-16, 25-29). The system also includes multiple secure projector systems or "plurality of data presentation units coupled to the data library" (See Figs. 1 and 2) for each room or "disposed at a corresponding one of a plurality of locations", where each projector

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system is used "to present at least one of the plurality of features" (See Fig. 2 element 76) "according to attributes of the data presentation unit related to such presentation" (e.g. the projector output characteristics) (See column 11 lines 54-60). Furthermore, the projector system is "coupled to the data library" or storage devices (See Fig. 2 elements 62 and 76). The system further includes an automation/scheduling system or "server" that is coupled to both storage devices or "server coupled to the data library" (See Fig. 1 and 2), where the automation/scheduling system is "located remotely" from the multiple screen rooms that has the secure projector systems (See Fig. 2, elements 76 and 80). The automation/scheduling system follows a schedule and selects "at least one of a desired number of features to present at a selected one of a desired plurality of times" and a screen room or "one of the plurality of locations at which to present the selected feature based on a comparison of the restrictions applicable to the selected feature and the attributes of the data presentation unit at the selected location" (e.g. the system ensures that the projector system has proper authorization that does not breach current terms of an existing contract for the selected feature) (See column 12 lines 8-28), where each cinema file has restrictions associated with it or "determine restrictions applicable to the selected feature, the restrictions comprising restrictions indicative of data presentation unit attributes useful for the presentation of the selected feature" (e.g. the cinema file requires that the projector system has proper authorization in order to present the cinema file) (See column 12 lines 8-28). The schedule also schedules the play of all trailers or "select applicable promotional data to be presented with the selected feature" and allows the operator to select advertisements to be inserted (See

column 12 lines 15-16 and 26-28). The automation/scheduling system utilizes the schedule to “automatically provide the selected feature and promotional data from the data library to at least one of the plurality of data presentation units at the selected location at approximately the selected one of the desired plurality of times” (See column 12 lines 10-16). However, Rabowsky does not disclose that the automation/scheduling system can “control at least one facility element within the selected location at the selected one of the desired plurality of times”.

MerCs et al. (MerCs) discloses a cinema networking system that utilizes a cinema controller to control multiple digital control processors (DCPs). The cinema controller can issue commands to the DCPs to control other devices such as auditorium lights and curtains in the room during the presentation of the movie or “at least one facility element within the selected location at the selected one of the desired plurality of times” (See column 5 lines 20-45). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the automation/scheduling system disclosed by Rabowsky to be able to “control at least one facility element within the selected location at the selected one of the desired plurality of times”, as taught by MerCs, in order to reduce the amount of interaction required by the operator thereby providing a more efficient means of presenting a movie within a theater.

Regarding claim 2, Rabowsky in view of MerCs does not disclose a method of creating a “new scheduling data by rotating the selection of promotional data to be presented with the selected feature”.

Official Notice is taken that it is well known to rotate the order of promotional data to be presented thereby creating a different schedule. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the automation/scheduling system disclosed by Rabowsky in view of Mercks to create a "new scheduling data by rotating the selection of promotional data to be presented with the selected feature" in order to provide an easy means to create new schedules thereby reducing the processing load of the automation/scheduling system and requiring less interaction by the operator.

Regarding claim 3, the projector system or "data presentation unit" includes a projector or "electronic projector" (See Fig. 2 element 88).

Regarding claim 4, the automation/scheduling system and storage playback system receives cinema data and inherently trailers or "promotional data" from the headend or "remote source", which receives its data from original camera negatives that is scanned and digitized "for transfer to the data library" (See column 2 line 50 – column 3 lines 10).

Regarding claim 6, the "promotional data" includes trailers and advertisements as discussed in claim 1 above.

Regarding claim 7, Rabowsky in view of Mercks does not disclose that the "the feature is transmitted to the at least one data presentation unit using a wireless communication link".

Official Notice is taken that it is well known to use a "wireless communications link" to transfer files. Therefore, it would have been obvious to one with ordinary skill in

the art at the time the invention was made to modify the storage/playback system and secure projector system disclosed by Rabowsky in view of MerCs to use a “wireless communications link” to transfer cinema files or “feature” in order to reduce the amount of wires thereby making installation and selection of location of each device easier and more convenient.

Claim 8 contains the limitations of claim 1 (wherein the storage devices are also known as “storage medium” and the scheduling process, performed by the automation/scheduling system or also known as the “scheduler”, is inherently repeated for all cinema files, trailers, and all playback times in order to create a schedule or “scheduling data” that is inherently stored within the storage device in order for the theater to run efficiently) and is analyzed as previously discussed with respect to that claim.

Claim 9 contains the limitations of claims 1 and 8 (where inherently the automation/scheduling system “automatically initiate transfer the selected feature and promotional data to at least one of the data presentation units in the selected location at approximately the selected one of the desired plurality of times” in order to successfully present the cinema and trailers) and is analyzed as previously discussed with respect to those claims.

Regarding claim 10, the theater rooms are able to report various information such as trouble reports, error messages, and messages related to the health and welfare of the room or “facility data...maintenance data” (See MerCs column 6 lines 42-52). Inherently, the automation/scheduling system would select locations that are fully

operational based on the trouble reports and error messages in order to ensure successful presentation of the cinema and trailers.

Regarding claim 11, the system includes a conditional access system (CAS) that ensures the files in storage cannot be accessed without authorization and accountability or "accounting data" (See column 6 lines 5-38). Inherently, the CAS would prevent the headend or the automation/scheduling system access or "deactivate the feature to present" without proper authorization and accountability or "in response to accounting data".

Claim 12 contains the limitations of claims 6 and 8 and is analyzed as previously discussed with respect to those claims.

Claim 13 contains the limitations of claims 2 and 8 and is analyzed as previously discussed with respect to those claims.

Claim 15 contains the limitations of claims 1 and 8 and is analyzed as previously discussed with respect to those claims.

Claim 16 contains the limitations of claims 9 and 15 and is analyzed as previously discussed with respect to those claims.

Claim 17 contains the limitations of claims 4 and 15 and is analyzed as previously discussed with respect to those claims.

Claim 18 contains the limitations of claims 10 and 15 and is analyzed as previously discussed with respect to those claims.



Regarding claim 19, Rabowsky in view of MerCs further disclose that controller is coupled to a ticket system where it can receive performance data such as ticket sales (See MerCs column 4 line 64 – column 5 line 3).

Official Notice is taken that it is well known to “deactivate the selected feature in response to ticket sales data”. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the automation/scheduling system disclosed by Rabowsky in view of MerCs to “deactivate the selected feature in response to ticket sales data” in order to minimize financial loss.

### ***Response to Arguments***

3. Applicant's arguments filed 12 May 2006 have been fully considered but they are not persuasive.

Applicant argues with respect to claims 1, 8, and 15 that Rabowsky does not disclose a system that is operable to select one of a plurality of locations at which to present a selected feature based on a comparison of restrictions applicable to the selected feature and attributes of the data presentation unit at the selected location. However, reading the claims in the broadest sense, Rabowsky does meet those limitations of the claims. As discussed above in the rejections, Rabowsky discloses cinema files that are distributed. Each cinema file has restrictions associated with it or “determine restrictions applicable to the selected feature, the restrictions comprising restrictions indicative of data presentation unit attributes” (e.g. the cinema file requires that the projector system has proper authorization) “useful for the presentation of the

selected feature" (e.g. in order to present the cinema file) (See column 12 lines 8-28). Furthermore, the system selects "one of the plurality of locations at which to present the selected feature based on a comparison of the restrictions applicable to the selected feature and the attributes of the data presentation unit at the selected location" (e.g. the system ensures that the projector system has proper authorization that does not breach current terms of an existing contract for the selected feature) (See column 12 lines 8-28).

Applicant is reminded that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

### ***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph G. Ustaris whose telephone number is 571-272-7383. The examiner can normally be reached on M-F 7:30-5PM; Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



JGU  
July 24, 2006

  
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